GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Disciplinary proceedings against Sri Hussain Khan (Retd) and Sri P. Gopal Rao, the then Field Assistants, District Court, Rajahmundry, East Godavari District – Regular departmental enquiry conducted – Charges 1,2,4 & 5 framed against the charged employees are held proved – Imposing penalty of withholding 10% (ten percent) of the pension of Sri Hussain Khan (Retd) per a period of five years, under Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 - Orders – Issued.

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HOME (COURTS-B) DEPARTMENT

G.O.MS.No. 132 Dated:27-08-2015,
Read the following:

1) From the Registrar (Vigilance), High Court of Andhra Pradesh, Hyderabad, Letter Roc. No.459/2013, Vigilance Cell, dated:03-05-2013.
2) Govt. Memo No.16910/Courts.D/D1/2013, dated:26.11.2013.
3) From Sri Hussain Khan, formerly Field Assistant, District Court, Rajahmundry, explanation dated 28.12.2013.
4) Govt.Lr.No.16910/Courts.D/D1/2013, dated:03.05.2014.
5) From the Secretary, Andhra Pradesh Public Services Commission, Hyderabad, Lr.No.791/RT/1/2014, dated: 24.02.2015.

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ORDER :

Whereas, the Registrar (Vigilance), High Court of Andhra Pradesh, Hyderabad, in the letter 1st read above, has stated that regular departmental enquiry was conducted under the provisions of Andhra Pradesh Civil Services Rules, 1991 against Sri Hussain Khan and Sri.P. Gopal Rao, the then Field Assistants, District Court, Rajahmundry for the following articles of charge which were held proved;

***CHARGE NO.I***

*Sri. Hussain Khan, Field Assistant, District Court, Rajahmundry have been entrusted with Delivery Warrant in E.P.56/2011 in O.S.973/2000 on the file of Prl. Junior Civil Judge's Court, Rajahmundry on 5-5-2011 along with Sri. P.Gopala Rao, Field Assistant, District Court, Rajahmundry and both of you approached the Decree Holders Sarvasri Peethala parthasaradhi and Peethala Venkata Ravindra on 9-5-2011 at about 10.30 a.m., nd demanded them Rs.15,000/- for execution of the warrant. When the Decree Holders expressed their inability to pay such huge amount but able to pay Rs.6,000/- for which you both said that "We six members have to share the amount it will not sufficient" and both of you came to understanding to settle the amount of Rs.9,000/-. At about 11.30 you have received bribe of Rs.9,000/- (Rupees Nine Thousand only) in five hundred rupees denomination from the decree holders, which amounts to grave misconduct in discharging your duties and thereby rendered yourself liable for punishment under A.P.C.S. (CCA) Rules, 1991.*

***CHARGE NO.II***

*Sri Hussain Khan and P. Gopala Rao, Field Assistants, District Court, Rajahmundry have received Rs.100/- each from the Decree Holders on 9-5-2011 at 1.40 p.m. to have a meals in the hotel and accompanied with the 6th Judgment Debtor to the Hotel and came back at 2.45 p.m. to get the coolies to get remove the black stones lying in the schedule property and told that the property will be vacated and let them prepare the delivery receipt to that effect. When the Decree Holders said that wait till the coolies completely vacate the black stones and other items in the scheduled property, you threatened them that "if you won't write delivery receipt immediately we will prefer complaint against you", and constrained the decree holders to prepare*

(P.T.O.)

*the receipt at the dictation of Sri P. Gopala Rao, Field Assistant though there is 60% load to be removed from the schedule property and obtained the signatures of the decree holders as a token of receipt of schedule property and got the signatures of the mediators viz., Nalamati Suryanarayana and B.Yesubabu, to that effect, which amounts misconduct and dereliction in discharging on the part of your duties and both are liable for punishment under A.P.C.S. (CCA) Rules, 1991*

***CHARGE NO.IV***

*Sri Hussain Khan and P. Gopala Rao, Field Assistants, District Court, Rajahmundry that the decree holders approached at 9.00 a.m., at the residence of Hussain Khan for comprehensive delivery of schedule property you said that "the delivery is completed and you won't come" and when the decree holders approach both of you from 10-05-2011 till 21-05-2011 for obtaining receipt with threat without physically completely delivering the schedule property you have not completed the same, which amounts misconduct and dereliction in discharging on the part of your duties and both are liable for punishment under A.P.C.S (CCA) Rules, 1991.*

***CHARGE NO. V***

*Sri P. Gopala Rao, Field Assistants, District Court, Rajahmundry being Public Servant without any authority went to the schedule property on 09-05-2011 along with Sri Hussain Khan and to effect the delivery of property in E.P.56/2011 in O.S.973/2000 on the file of Prl. Junior Civil Judge's Court, Rajahmundry and authoritatively committed grave mistakes which amounts misconduct and liable for punishment under A.P.C.S. (CCA) Rules, 1991.*

2. And whereas, the Registrar (Vigilance), High Court of Andhra Pradesh, Hyderabad, has further stated that the Enquiry Officer, during the enquiry, having examined PWs.1 to 7, marking Exs. P1 to P6 and Ex.R1, submitted his report holding that the said charges 1, 2, 4 and 5 are proved against the charged employees. Thereafter, the written representations of both the charged employees have been called for on the findings recorded against them in the Enquiry Report and the same were received.

3. And whereas, the Registrar (Vigilance), High Court of Andhra Pradesh, Hyderabad, has also stated that the 1st charged employee, Sri Hussain Khan, formerly Field Assistant, District Court, Rajahmundry retired from service on 30-09-2011 on attaining the age of superannuation and the 2nd charged employee Sri P. Gopal Rao is now working as Field Assistant in Junior Civil Judge's Court, Mummidivaram. In so far as Sri P. Gopal Rao, Field Assistant, is concerned, the District Judge, East Godavari, being the disciplinary authority, has already been requested to proceed further for passing final orders against the said individual for the charges held proved, under relevant provisions of A.P., Civil Services (CC &A) Rules, 1991.

4. And whereas, the Registrar (Vigilance), while forwarding the entire material, has requested the Government to pass final orders against Sri Hussain Khan, formerly Field Assistant, since he retired from service on 30-09-2011 on attaining the age of superannuation, as the Government is competent to pass final orders in respect of retired employees under Rule 9 (2) (a) of A.P. Revised Pension Rules, 1980.

5. And whereas, Government have examined the matter and provisionally decided to impose the penalty of 5% (five percent) cut in pension for a period of one year on the charged officer Sri Hussain Khan, formerly Field Assistant, now retired under rule 9(2)(a) of the Andhra Pradesh Revised Pension Rules, 1980, for the charge held proved against him.

(Contd/---3)

6. And whereas, in the Government Memo 2nd read above, the charged officer was directed to Show Cause as to why the punishment mentioned in para (5) above shall not be imposed on him for the charges held proved against him.

7. And whereas, the charged officer has submitted his explanation, vide letter 3rd read above, reiterating the contents in his earlier explanation with a request to drop further action in the matter while holding that enquiry is not sustainable under law.

8. And whereas, Government after considering the explanation of the charged officer with reference to the records made available, have addressed the Secretary, Andhra Pradesh Public Service Commission, vide letter 4th read above, to place the matter before the Commission for its concurrence on the decision of the Government, as required under Rule 9 of A.P. Revised Pension Rules, 1980.

9. And whereas, the Secretary, Andhra Pradesh Public Service Commission, in his letter 5th read above, has stated that after careful examination of the disciplinary case in the light of the records made available, the Commission opined that "the punishment awarded against both the Charged Officers (Sri Hussain Khan and P. Gopal Rao) is minor & light and therefore advised the Government may reconsider and award major penalty to P. Gopal Rao and 10% cut in pension for 5 years for Hussain Khan"

10. And whereas, Government after careful examination of the entire matter, have observed that the provisional penalty proposed, vide Memo 2nd read above, does not commensurate with the grave charges held proved against him during the enquiry.

11. Now, therefore, Government, after considering the entire issue, hereby impose the penalty of withholding 10% (ten percent) of the pension per a period of five years on the charged employee Sri Hussain Khan, formerly Field Assistant (now retired) under Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 for the grave charges held proved against him.

12. A copy of the letter 5th read above received from the Secretary, Andhra Pradesh Public Service Commission, is furnished herewith to Sri Hussain Khan, formerly Field Assistant (now retired), as required under Rule-23 of the Andhra Pradesh Civil Services (C.C.& A.) Rules, 1991.

13. The Registrar (Vigilance), High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh is requested to take necessary further action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**C.S.S.V. DURGA PRASAD**
**SECRETARY TO GOVERNMENT**

To
The Registrar (Vigilance), High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.
The individual through the Registrar (Vigilance),
High Court of Judicature at Hyderabad.
The District Judge, East Godavari District District.
Copy to:
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad
The Accountant General, Andhra Pradesh, Hyderabad.
The Pay and Accounts Office, Andhra Pradesh, Hyderabad.
The District Treasury Office, East Godavari District District.
SF/SCs.

//FORWARDED::BY ORDER//

**SECTION OFFICER**